

that it would be efficacious in the treatment and cure of gastric ulcers, and would render the user stronger and more buoyant; that it would supply energy and pep, and would make the user feel like one, half his age; that it would be efficacious in the treatment of dizzy spells and weakened condition, and would enable the user to sleep; that it would be efficacious in the cure of nausea resulting from a nervous stomach, and would be efficacious to shorten the course of la grippe and the "grippy" cold and "achy" feeling accompanying that condition; and that it would be efficacious to prevent the loss of sense of smell or taste during a cold. The article would not be efficacious to accomplish and would not accomplish, nor be effective to accomplish, the results and purposes represented and suggested.

DISPOSITION: December 7, 1951. The defendant having entered a plea of nolo contendere, the court sentenced him to prison for 6 months, but suspended the execution of the sentence and placed him on probation for 6 months.

3677. Misbranding of Cal-O-Min "D" tablets and Cal-O-Min Jr. tablets. U. S. v. 8 Cases, etc. (F. D. C. No. 31708. Sample Nos. 11535-L, 11536-L.)

LIBEL FILED: September 20, 1951, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about April 3 and 5, 1951, by Cal-O-Min, Inc., from Wichita, Kans.

PRODUCT: 8 cases, each containing 12 100-tablet bottles, and 2 cases, each containing 12 200-tablet bottles, of *Cal-O-Min "D" tablets*, and 5 boxes, each containing 24 10-tablet vials, of *Cal-O-Min Jr. tablets*, at McMinnville, Tenn. Leaflets entitled "For Your Health's Sake" were shipped with the product.

LABEL, IN PART: (Bottle) "Cal-O-Min 'D' (10 grains) * * * Analysis CaCO_3 , Calcium Carbonate 99.3% Fe_2O_3 , Iron Oxide .007% MgO , Magnesium Oxide .027% MgCO_3 , Magnesium Carbonate .486% Vitamin 'D' per Tablet 250 U. S. P."; (vial) "Cal-O-Min Jr. * * * Contents: Calcium Carbonate (Crystalline Form), Iron Oxide, Mag. Carb. Directions: 1 or 2 Tab."

NATURE OF CHARGE: *Cal-O-Min "D" tablets*. Misbranding, Section 502 (a), certain statements in the leaflets were false and misleading. These statements represented and suggested that the article was an adequate and effective treatment for rash, hives, pimples, eczema, asthma, bowlegs, anemia, arthritis, bad blood, rickets, bad teeth, nervousness, fatigability, rheumatism, hot flashes, nail biting, heartburn, gas pains, hay fever, indigestion, allergies, constipation, brittle nails, round shoulders, assaultiveness, incorrigibility, swollen glands, defective veins, heart ailments, non-adaptability, poor complexion, defective vision, bony deformities, defective intestines, defective arteries, lack of personality, migraine headaches, neuralgic headaches, withering with age, poor hair texture, rheumatic fever pains, leg and muscle cramps, and reduced resistance to disease; that the article would improve the health, complexion, and personality; that it would enable the user to avoid deformities, disease, and suffering; that it is required for the perfect digestion of all foods; that it is the dominant nerve controller and regulates nerve action; that it coordinates other mineral elements and corrects their disturbances; that it affects the cell formation of all living things and vitalizes cell life; that it governs the rhythmic beat of the heart; that it increases strength and pulsation of the heart; that it corrects defects in blood coagulation; that it strengthens the walls of arteries, veins, and intestines; that it increases resistance to fever and disease; that it governs contractility of the muscles; that it promotes intelligence, will power, and ability to concentrate; that it supplies calcium, necessitated by the alleged

fact that many of our foods are being raised on depleted soils that no longer supply us with sufficient calcium; and that there are many symptoms of ill health due to calcium deficiencies in our daily diet, and that many morbid conditions and actual diseases may result. The article would not be effective for the purposes represented, suggested, and implied.

Cal-O-Min Jr. tablets. Misbranding, Section 502 (a), certain statements on the vial label and on a display card entitled "Cal-O-Min Jr.," enclosed in the box and on the wrapper around the box, were false and misleading. These statements represented and suggested that the article was an adequate and effective treatment for indigestion and nervousness, and that it would be effective to enable the users to enjoy meals and to improve their health. The articles would not be effective for those purposes.

The *Cal-O-Min Jr. tablets* were alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: February 18, 1952. Default decree of condemnation and destruction.

3678. Misbranding of Lipitrons capsules. (F. D. C. No. 31988. Sample No. 15706-L.)

LIBEL FILED: November 6, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about September 20 and October 4, 1951, by Vitamin Industries, Inc., from Omaha, Nebr.

PRODUCT: 48 100-capsules bottles of *Lipitrons capsules*, together with a poster entitled "If You Are Over 35" and a newspaper tear sheet beginning with the phrase "If You Are More Than 35 Years Old," at Topeka, Kans.

LABEL, IN PART: (Bottle) "Guardian 100 Caplets Lipitrons High Potency Lipotropic Formula Each Caplet Contains: Vitamin B₁ 15 mgm. Vitamin B₂ 6 Mgm. Vitamin C 50 mgm. Niacinamide 30 mgm. Calcium Pantothenate 3 mgm. Vitamin B₆ 0.5 mgm. Desiccated Whole Liver 175 mgm. Dried De-bittered Yeast 175 mgm. Choline Dihydrogen Citrate 20 mgm. Inositol 20 mgm. dl-Methionine 20 mgm. Iron as Ferrous Gluconate 30 mgm. Folic Acid 0.1 mgm. Vitamin B₁₂ (oral Conc.) 3 mcg."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "High Potency Lipotropic Formula" was false and misleading, and the label statement "Each Caplet Contains * * * Choline Dihydrogen Citrate 20 mgm. Inositol 20 mgm. dl-Methionine 20 mgm." was misleading as applied to the product, which did not possess significant lipotropic properties, and which when used as directed, provided inconsequential amounts of inositol, choline, and dl-methionine.

Further misbranding, Section 502 (a), certain statements in the poster entitled "If You Are Over 35" were false and misleading. These statements represented and suggested that the product would be effective to relieve that "growing old feeling" and to help one to enjoy life, whereas it was not effective for the purposes stated.

The libel alleged further that the article was misbranded under Section 502 (a) while held for sale after shipment in interstate commerce since the following statements in the newspaper tear sheet were false and misleading: "If You Are More Than 35 Years Old If you are getting that 'Growing Old' Feeling Science Has Now Found How To Fight That Feeling of 'Growing Old' Lipitrons For You if You Feel Tired and Weak and Run-Down! For You to